

**RECORDS MANAGEMENT COMMITTEE**  
City Clerk's Conference Room, First Floor, City Hall  
400 Stewart Avenue, Las Vegas, Nevada  
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>

**August 10, 2001**  
**1:30 p.m.**

CALL TO ORDER: City Clerk Ronemus called the meeting to order at 1:37 p.m.

ATTENDANCE: Barbara Jo (Roni) Ronemus, City Clerk  
John Redlein, Assistant City Attorney (Arrived 1:43 p.m.)  
Joseph Marcella, Director, Information Technologies  
Mark Vincent, Director, Finance & Business Services  
Richard Goecke, Director, Public Works  
Sharon Kuhns, Records Administrator  
Gabriela S. Portillo-Brenner, Deputy City Clerk

EXCUSED: Doug Selby, Deputy City Manager  
Radford Snelding, City Auditor

ANNOUNCEMENT MADE RE COMPLIANCE WITH THE OPEN MEETING LAW - Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board  
Senior Citizens Center, 450 E. Bonanza Road  
Clark County Government Center, 500 S. Grand Central Pkwy  
Court Clerk's Bulletin Board, City Hall  
City Hall Plaza, Posting Board

(1:37)

**1-1**

BUSINESS:

A. APPROVAL OF FINAL MINUTES BY REFERENCE OF THE RECORDS MANAGEMENT COMMITTEE MEETING OF JULY 20, 2001.

With regard to Sentence 4 of Paragraph 3 on Page 2, Assistant City Attorney Redlein clarified that he did not mean to imply that any City employee could make a judgment as to what is considered a public record. He requested that the correction be made to the minutes.

**VINCENT - Motion to APPROVE with the suggested amendment – MARCELLA - seconded the motion – UNANIMOUS with Selby and Snelding excused**

(1:37 – 1:39)

**1-9**

B. DISCUSSION AND POSSIBLE ACTION ON REVISION TO MUNICIPAL CODE CHAPTER 2.60 RECORDS MANAGEMENT.

Chair Ronemus stated that she felt that there is some confusion as far as the function of a records storage facility and who owns those records. Therefore, she put together a flow chart, which is made a part of these Final Minutes, in an attempt to clarify some of that confusion and to demonstrate the creation and migration of records. The chart represents two sets of records: those that are only kept for a period of time, which are owned by the department but may be discarded upon authorization by the department director, depending on the departmental retention schedules, and those that are kept permanently. According to the flow chart, Assistant City Attorney Redlein asked if all records, once under the purple category, fall under the ownership of the City Clerk, whether permanent or not. Chair Ronemus replied that they do, under the records storage facility. Because her staff will know when those records need to be destroyed and that they cannot be destroyed until the department director issues an authorization for destruction.

She clarified that retention records do not automatically become permanent once stored in the records storage facility and are separate from permanent records. The confusion is who owns them. The Records Committee could determine that once they move into a records storage facility, they become property of the City Clerk, to be destroyed appropriately. Mr. Vincent confirmed with Chair Ronemus that the intent of a records center is to provide a place to store the departments' records in a central location and to give the City Clerk a place to store permanent records that should be under the control of the Clerk.

Assistant City Attorney Redlein questioned whether the establishment of a centralized records center would prohibit departments from storing records in a mini storage facility, or such as those currently stored in the Wastewater Treatment Facility. Chair Ronemus stated that the records that would have to be retrieved on a frequent basis would probably be kept in the department. Mr. Vincent asked what would happen with records that are so large that they are currently stored off site in a mini storage facility. Mr. Marcella interjected that the City Clerk is the custodian of records regardless of the physical site. There is a practical way to store certain types of records. Assistant City Attorney Redlein commented that he was misled and thinking that the storage center would be one large building that only the City Clerk could access. Mr. Marcella indicated that hopefully that would be the case, but there are some types of records that would have to be kept closer and more accessible to the departments.

Chair Ronemus noted that records that do not have to be kept permanently would be under the control of the departments and could keep them nearby in a place that is more convenient for frequent access. The records storage facility would also be available, if the departments chose to store their records there. But most of the records in the storage center would be records that are not frequently needed and are just waiting to be discarded. Mr. Marcella added that a records center does not necessarily have to be a single location, because there could be multiple locations, depending on the media being stored. The City Clerk still has the absolute responsibility with regard to permanent records, regardless of where they are stored. Chair Ronemus interjected that that is the case with the present code. Mr. Marcella clarified that the point of establishing a records center is to have one place where the City Clerk, as the custodian, can control the permanent records. But even if permanent records are kept in the department,

they should be identifiable as such and the City Clerk should be the custodian with some sort of index inventory or knowledge of their physical location. Chair Ronemus stated that that is not currently practical, but, as Mr. Marcella mentioned, a records center would make it feasible.

Mr. Goecke opined that the City Clerk's office would probably not want to be held responsible for records that are constantly being accessed, because if something happens to those records, it would not reflect well on the Clerk. Given Mr. Goecke's example and Assistant City Attorney Redlein's initial question, Mr. Marcella questioned whether having the Clerk be responsible for all permanent records would be possible. Chair Ronemus replied that only with the establishment of a records center.

Mr. Goecke pointed out that approximately \$80,000 was spent on imaging wastewater plans in order to save space. The originals are currently stored at the Wastewater Treatment Plant with the required wet seal in case they are ever called into court. That requirement could be changed eventually, but presently it is required and they have to be retained permanently.

Mr. Vincent clarified that essentially what would happen is that the City Clerk's ownership of permanent records would occur when the departments are ready to release those records, because some departments may have to access those records frequently. The point is that ownership would be yielded to the City Clerk if a records center were in place. Mr. Goecke advised that the City Clerk may want to have discretion in rejecting certain permanent records, because, depending on the size, the records center may get completely filled overnight. Assistant City Attorney Redlein commented that retention of records would have to be stored by permission, but there would be no choice with permanent records. Chair Ronemus stated that the object is to be able to do both.

Referring to Mr. Goecke's statement, Assistant City Attorney Redlein could not conceive the idea of doing away with an ink signature stamp on plans and scanning them with an attached electronic signature, because that signature stamp is relied upon as the endorsement of an architect or an engineer of an original document. Mr. Marcella noted that there are methods of protecting a document with an electronic signature. Assistant City Attorney Redlein indicated that it might be easier to make the transition by trying to convince the architects, who seem to be more technologically inclined. Mr. Goecke said that neither group is willing to make a change at the present. Mr. Vincent stated that he believes the transition is coming soon, because many of the architects and construction firms are passing documents electronically.

(1:39 - 2:00)

**1-54**

After hearing the Citizens Participation portion, the Committee reviewed the proposed ordinance to amend Chapter 2.60 of the Las Vegas Municipal Code. They discussed at length documents that the term "public record" does not encompass. Especially whether unused forms should be kept as a permanent record since some forms are used as an informational guideline that may be looked for by some other qualifying agency. For example, as stated by Mr. Goecke, the Department of Public Works used to routinely fill out a form that would require certain tests for heavy metals. The results were kept for a year and eventually thrown out. After approximately five years, the form was revised to no longer require testing for heavy metals. The

Environmental Protection Agency could come in and look at past records and realize that those tests were required at some point and that there might be a reason for that test.

Mr. Marcella stated that some forms could point to certain policies that were in place for a certain period of time, in which the form could have some value. Mr. Vincent argued that any record that has a retention value should be listed on the retention schedule. He wondered why any form would be retained longer than the results of any test performed. Assistant City Attorney Redlein suggested the departments be given discretion in this matter. If a certain department feels there is a value in retaining the history of all forms, then it should be kept under the departmental record retention schedule. Ms. Kuhns interjected that the purpose of a form is to gather data to be used accordingly.

It was decided that Sections A, B, E, and F under 2.60.010 and Sections A, C, and E under 2.60.020 would stay intact. Sections B of 2.60.020 would adopt the language: Establish the protocols for any records center for storing inactive public records of the City pending their disposition in accordance with approved records retention schedules.

The following sections will be amended to read as follows:

2.60.010 (C) - "Public Record" means any record, in any form, not declared by law to be confidential, which has been produced or received by the City of Las Vegas and is maintained by any office for the purposes of performing a function of City government. The term does not include published books, pamphlets, worksheets, and informal notes.

2.60.020 (D) – Establish guidelines and procedures for the protection and recovery of vital records.

Chair Ronemus indicated that the matter would be brought back on the next Records Management Committee agenda, as Assistant City Attorney Redlein would be revising Sections 2.60.010 (D) and (G) for discussion and consideration by the Committee.

(2:05 – 2:52)

**1-924**

#### C. REPORT AND DISCUSSION ON THE NEVADA ELECTRONIC RECORDS COMMITTEE ELECTRONIC RECORDS.

Ms. Kuhns reported that the Nevada Electronic Records Committee has a new employee, John Paul Delaney, who is very charged and dedicated. He will be giving a presentation at the Nevada League of Cities on August 17, 2001, and to the local Southern Nevada Entities Technology Alliance, which is made up of representatives from various agencies that deal with different technologies. The group has been working for over a year and has come to terms in defining what are called "e-record definitions." They will be forwarded to the Nevada State Records Committee for approval. These definitions could easily be included in the Nevada Administrative Code. Assistant City Attorney Redlein noted that the boards and commissions established by State law are often given the authority to create records. He suggested to Ms. Kuhns to request to be put on the Nevada State Records Committee mailing list to stay well informed of the activity of that Committee.

Ms. Kuhns continued and stated that the State Records Committee has defined an “e-record” as information meeting a statutory definition of a Nevada record that is created and stored in a form that only a computer can manage by a program when occupied by an appropriate certification and documentation. The Committee has also established six steps for authenticating an electronic record and is working on writing a five-year plan of matters that need to be addressed on a State level with regard to electronic record systems.

Furthermore, she has been assigned to one of the established work groups responsible for education and outreach. This is very exciting to her because Mr. Delaney’s intent is to bring experts from the outside to tour the State and educate people on electronic systems, provide educational processes and exposure.

Mr. Marcella stated the Southern Nevada Entities Technical Alliance would eventually become the Nevada Entities Technical Alliance. The group will work on regulations that are realistic in the management of electronic records, including the wet stamp and standardization for trusted agencies to utilize so that everybody validates and verifies in the same fashion.

Assistant City Attorney Redlein asked if most people that are technologically savvy have great doubts about the trustworthiness of original electronic documents and the validation of their signatures. Mr. Marcella replied that the concern is valid because presently there is no security. Ms. Kuhns noted that the Uniform Electronic Transfer Act is a federal law that addresses code on a federal level and the states are signing off on that and incorporating it. Assistant City Attorney Redlein said that particular federal law says that no contract may be repudiated or challenged based on the fact that it has an electronic signature. So, in reality people can claim that the signature has been forged. Ms. Kuhns pointed out that the Act includes the certification and authenticity of the electronic signature. Assistant City Attorney Redlein indicated that if a combination of X’s and O’s make up a signature, electronically, then anybody could do that by accessing a computer. Mr. Marcella explained that a physical signature could be validated by a trusted agent with all of the certifications and released only when positive identification is made to that agent. Identification could be made through a fingerprint or iris scan.

(2:52 – 3:03)

**1-2929**

**D. INFORMATIONAL MATTERS FOR FUTURE RECORDS MANAGEMENT COMMITTEE AGENDAS.**

None.

(3:03 – 3:04)

**1-3540**

**CITIZENS PARTICIPATION:**

In light of the action the City Council would be taking at its August 15, 2001, City Council meeting on records fees, David Riggleman, Director, Office of Communications, informed the Committee

that the intent of the Office of Communication is to recommend that the media be charged a dollar a page for records after the first 25 pages. This consideration is being given because the media argues that records that are published are records that the public does not have to obtain from government offices. Chair Ronemus indicated that that recommendation would have to be submitted before the Records Management Committee at its next meeting, which would be held on August 31, 2001, as Ms. Kuhns indicated. Mr. Riggleman noted that there has been some controversy about this recommendation; however, a consensus has been reached.

(2:00 – 2:05)

**1-761**

ADJOURNMENT:

**MARCELLA - Motion to ADJOURN – REDLEIN - seconded the motion – UNANIMOUS with Selby and Snelding excused**

The meeting adjourned at 3:04 p.m.

/gpb